

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ARTHUR McELROY,)	4:06CV3162
)	
Plaintiff,)	
vs.)	ORDER
)	
PATIENT SELECTION)	
COMMITTEE OF THE NEBRASKA)	
MEDICAL CENTER, et al.,)	
)	
Defendants.)	

IT IS ORDERED that:

1. Defendant James H. Sorrell's motion to dismiss (filing 19) is denied without prejudice to raising the same issues on motion for summary judgment.¹
2. The clerk of the court shall rename the plaintiff's "motion" to deny defendant's motion to dismiss (filing 21) as a "brief".²
3. Plaintiff's motion to compel discovery (filing 28) is denied for failure to comply with the certification requirement of Federal Rule of Civil Procedure 37(a)(2)(B).

May 9, 2007.

BY THE COURT:
s/ *Richard G. Kopf*
United States District Judge

¹ See memorandum and order entered on January 30, 2007 (filing 23), denying a similar motion to dismiss filed by the other defendants.

² See NECivR 7.1(b)(1)(A) ("The party opposing a motion shall not file an "answer," or "opposition," "objection," or "response" to a motion, or any similarly titled responsive pleading, but instead shall file a paginated brief . . .").